

PCB CRJU 06-03

ORIGINAL

2006

1 A bill to be entitled

2 An act relating to background screening for school
3 district contractors; amending s. 1012.465, F.S.; revising
4 provisions relating to criminal background screening for
5 certain school district contractual personnel; creating
6 requirements for fingerprint-based background screening
7 for certain noninstructional school district contractors;
8 providing for submission of fingerprints; providing for
9 fees; specifying disqualifying offenses; requiring
10 creation of an electronic system for sharing screening
11 results among school districts; providing for rulemaking;
12 requiring personnel to report disqualifying offenses;
13 providing penalties; providing an exemption for law
14 enforcement officers assigned by their employing agencies
15 to work on school grounds as part of their official
16 duties; providing exemptions for certain contractors
17 subject to background screening under other provisions;
18 providing an exemption for certain utility employees if
19 the utility provides an affidavit stating that employees
20 with access to school grounds when students are present
21 have been screened against certain registries; providing
22 an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Subsection (1) of section 1012.465, Florida
27 Statutes, is amended to read:

28 1012.465 Background screening requirements for certain
29 noninstructional school district employees and contractors.--

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(1) Noninstructional school district employees or contractual personnel ~~who are permitted access on school grounds when students are present,~~ who have direct contact with students or who have access to or control of school funds must meet level 2 screening requirements as described in s. 1012.32. ~~Contractual personnel shall include any vendor, individual, or entity under contract with the school board.~~

Section 2. Background screening requirements for certain noninstructional school district contractors.--

(1)(a) A fingerprint-based criminal history check shall be performed on the noninstructional personnel of any school district contractor who are permitted access on school grounds when students are present. Contractors whose noninstructional personnel are subject to this requirement include any vendor, individual, or entity under contract with the school board. Such checks shall be performed at least once every 3 years. For the initial check of each individual subject to the background criminal history check requirement, the individual shall file a complete set of fingerprints taken in a manner required by the Department of Education. Fingerprints shall be submitted to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for federal processing. The results of each fingerprint-based check shall be reported to the requesting district and the district shall promptly provide the results to the shared system created in paragraph (d). The cost of the initial check of state and federal criminal history and the recheck every 3 years may be borne by the district school board, the contractor, or the person fingerprinted. Any fee for the initial check of state and federal criminal history and each

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59 recheck every 3 years per person fingerprinted charged by a
60 district school board may not exceed the sum of the fee charged
61 by the Department of Law Enforcement plus the fee charged by
62 Federal Bureau of Investigation plus 30 percent of the total of
63 those two fees. For any required checks during the 3-year period
64 subsequent to the initial check or a recheck, the individual
65 shall inform the district school board requiring the check that
66 he or she has already completed a current records check and that
67 district shall, without charge to the individual, check the
68 individual's history using the shared system provided in
69 paragraph (d).

70 (b) Any person who has been convicted of any offense listed
71 below, any similar offense in another jurisdiction, or any
72 similar offense committed in this state which has been
73 redesignated from a former statute number to one of those listed
74 in this paragraph is disqualified for employment in any position
75 described in paragraph (a). As used in this section, the term
76 "convicted" has the same meaning as in s. 943.0435, Florida
77 Statutes. The disqualifying offenses are:

78 1. Any offense listed in s. 943.0435(1)(a)1., Florida
79 Statutes, relating to registration of individuals as sexual
80 offenders.

81 2. Section 393.135, Florida Statutes, relating to sexual
82 misconduct with certain developmentally disabled clients and the
83 reporting of such sexual misconduct.

84 3. Section 394.4593, Florida Statutes, relating to sexual
85 misconduct with certain mental health patients and the reporting
86 of such sexual misconduct.

87 4. Section 775.30, Florida Statutes, relating to terrorism.

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88 5. Section 782.04, Florida Statutes, relating to murder.

89 6. Section 787.01, Florida Statutes, relating to
90 kidnapping.

91 7. Any offense under chapter 800, Florida Statutes,
92 relating to lewdness and indecent exposure.

93 8. Section 826.04, Florida Statutes, relating to incest.

94 9. Section 827.03, Florida Statutes, relating to abuse,
95 aggravated abuse, and neglect of a child.

96 (c) Any person who has at any time been convicted for any
97 offense listed in paragraph (b) is disqualified for employment in
98 any position described in paragraph (a), unless the person has
99 received a full pardon or has had his or her civil rights
100 restored.

101 (d) The Department of Law Enforcement shall implement a
102 system that allows for criminal history record information
103 provided to a school district to be shared with other school
104 districts through a secure website or other electronic means. The
105 Department of Law Enforcement may adopt rules under ss.
106 120.536(1) and 120.54, Florida Statutes, to implement the
107 provisions of this paragraph.

108 (2)(a) Each person who is employed or under contract in a
109 capacity described in subsection (1) must agree to inform his or
110 her employer or the party with whom he or she is under contract
111 and the school district within 48 hours if charged with any
112 disqualifying offense while he or she is employed or under
113 contract in that capacity.

114 (b) A person who willfully fails to comply with paragraph
115 (a) commits a felony of the third degree, punishable as provided
116 in s. 775.082, s. 775.083, or s. 775.084, Florida Statutes.

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117 (3) (a) This section does not apply to law enforcement
118 officers, as defined in s. 943.10, Florida Statutes, assigned by
119 their employing agencies to work on school grounds as part of
120 their official duties.

121 (b) This section does not apply to contractors who due to
122 the nature of their occupation or business are required by law to
123 submit to a level 2 background screening under chapter 435,
124 Florida Statutes, for licensing, employment, or other purposes
125 when such criminal history records check was processed within 3
126 years prior to the date of contract and such license or other
127 certificate is current and in good standing. Such contractual
128 personnel must still undergo a check of the state sexual predator
129 and sexual offender registries and the national registry of such
130 offenders.

131 (c) Contractual personnel employed by any public utility
132 that files an affidavit with the school district that states that
133 all field employees who have access to school grounds when
134 students are present have been checked against the state sexual
135 predator and sexual offender registries and the national registry
136 of such offenders are not required to undergo an additional
137 screening under this section. For purposes of this paragraph,
138 "public utility" includes any public or private utility, such as,
139 but not limited to, those providing sanitary sewers, water
140 service, electricity, liquefied petroleum gas, natural gas, cable
141 television, or telecommunications services.

142 Section 3. This act shall take effect July 1, 2006.
143 ll take effect July 1, 2006.